

STATE OF ARKANSAS
DEPARTMENT OF LABOR
SAFETY CODE

Code No. 14
ELEVATOR SAFETY CODE

Promulgated
by
ELEVATOR SAFETY BOARD
Arkansas Department of Labor
Little Rock, Arkansas

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These rules and regulations are promulgated by the Elevator Safety Board pursuant to the authority granted by Arkansas Code 20-24-106.

(a) PURPOSE

(1) The purpose of these regulations is to establish:

(A) minimum safety standards for the maintenance, inspection, tests, and operation of all elevators and escalators;

(B) minimum safety standards for the construction of new elevators, dumbwaiters, and escalators;

(C) minimum safety standards for the alteration of existing elevators, dumbwaiters, and escalators;

(D) minimum safety standards for existing elevators, escalators and dumbwaiters;

(E) rules prescribing fees;

(F) rules for the application and granting of variances and exceptions;

(G) minimum standards for licensing and qualifying elevator inspectors; and

(H) rules for the effective administration and enforcement of the Elevator Safety Law, Arkansas Code 20-24-101 et seq.

(2) These regulations are intended to protect the general public, invitees, guests, employees, and all persons who could be reasonably expected to use an elevator, escalator, or dumbwaiter.

(b) SCOPE AND APPLICATION.

(1) These regulations apply to all elevators, escalators and dumbwaiters in the State of Arkansas, except as specifically exempted herein.

(2) These regulations do not apply to:

(A) a dumbwaiter, conveyor, chain or bucket hoist, construction hoist or similar devices used for primary purpose of elevating or lowering materials and is not used for elevating or lowering workers or other riders, including those workers loading and unloading;

(B) tiering, piling, feeding, or similar machines or devices giving service within only one (1) story; and

(C) elevators, escalators, and dumbwaiters installed in a single-family residence or those installed completely within a single unit of a multi-family residence. These regulations do apply to elevators, escalators and dumbwaiters installed in the common areas of multi-family residences.

(C) DEFINITIONS.

As used in these regulations, unless the context otherwise requires:

(1) "Alteration" means any change made to an existing elevator, dumbwaiter, or escalator or to its hoistway, enclosure, or doors other than the repair or replacement of damaged, worn, or broken parts necessary for normal operation. The changing of the speed governor shall be considered an alteration;

(2) "Authorized representative" means the building department of cities, towns, or other governmental subdivisions designated by the Department of Labor to enforce certain provisions of Arkansas Code 20-24-101 et seq.;

(3) "Board" means the Arkansas Elevator Safety Board;

(4) "Director" means the Director of the Department of Labor;

(5) "Department" means the Department of Labor;

(6) "Dormant elevator, dumbwaiter, or escalator" means an elevator or dumbwaiter whose cables have been removed, whose car and counterweight rest at the bottom of the shaftway, and whose shaftway doors are permanently boarded up or barricaded on the inside or an escalator whose main power feed lines have been disconnected;

(7) "Dumbwaiter" means a hoisting and lowering mechanism, driven by mechanical power, equipped with a car which moves in guides in a substantially vertical direction, the floor area of which does not exceed nine (9) square feet, whose total compartment height does not exceed four feet (4'), the capacity of which does not exceed five hundred pounds (500 lbs.), and which is used exclusively for carrying freight;

(8) "Elevator" means a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction;

(A) The term "elevator" shall not include a dumbwaiter, conveyor chain bucket hoist, construction hoist, or similar devices used for the primary purpose of elevating or lowering materials, nor shall it include tiering, piling, feeding, or similar

machines or devices giving service within only one (1) story;

(B) The term "power elevator" shall mean those driven by the application of energy other than hand or gravity;

(C) "Hand elevators" shall mean those driven by manual power;

(D) The term "elevator" shall include vertical wheelchair lifts, inclined wheelchair lifts, and inclined stairway chairlifts installed in locations other than in or at a private, single-family dwelling for use by the physically handicapped;

(9) "Escalator" means a power-driven, inclined, continuous stairway or runway used for raising or lowering passengers;

(10) "Freight elevator" means an elevator used for carrying freight and on which only the operator and the persons necessary for loading and unloading are permitted to ride;

(11) "New installation", "new elevator", "dumbwaiter", or "escalator" mean a complete elevator, dumbwaiter, or escalator installation, the application for the permit for the installation or relocation of which is filed on or after the effective date of application of the rules and regulations adopted by the board and as effective August 27, 1963, provided in § 20-24-106(a)(c). All other elevators, dumbwaiters, or escalators shall be deemed to be existing installations; and

(12) "Passenger elevator" means an elevator that is used to carry persons other than the operator and persons necessary for loading and unloading.

(d) NEW CONSTRUCTION AND INSTALLATION.

(1) Minimum standards.

(A) All new elevators, escalators, and dumbwaiters shall be constructed and installed in conformity with the standards in The American Society of Mechanical Engineers Safety Code for Elevators and Escalators, ASME A17.1 - 1990 and Addendas 1991 and 1992. These standards are hereby adopted by reference and incorporated herein.

(B) The minimum standards for the construction and installation of vertical wheelchair lifts, inclined wheelchair lifts, and inclined stairway chairlifts are established in Part XX of ASME A17.1 adopted above in (d)(1)(A).

(2) Installation permit.

(A) Prior to the installation or construction of any elevator, escalator or dumbwaiter, an installation permit shall be obtained from the department.

(B) Application for an installation permit shall be made on a form furnished by the department and shall be submitted by the installing contractor or in the absence of an installing contractor, the owner. The application shall require the submission of detailed plans and specifications.

(C) Upon receipt of an application for installation, the required plans and specifications, and the required fee for an installation permit, the department shall review the application for compliance with the provisions of Arkansas Code 20-24-101 et seq. and these regulations. The department shall issue an installation permit or shall notify the applicant in writing of the reasons the installation permit is denied.

(D) Any applicant who has been denied an installation permit by the department may appeal that denial to the Elevator Safety Board, provided a written request to appeal is received by the department within fifteen (15) days of the applicant's receipt of notice of the denial.

(3) Inspection and testing.

(A) Prior to the operation of any new elevator, escalator or dumbwaiter or the issuance of the operating permit, such installation shall be inspected and tested in conformity with these regulations by a licensed elevator inspector in the employ of the department or its authorized representative.

(B) An inspection report shall be filed with the department by the inspector making the inspection within thirty (30) days after completion of the inspection. The inspection report shall be on a form furnished and approved by the department. It shall indicate whether the elevator, escalator or dumbwaiter was installed in accordance with the plans and specifications approved by the department and meets the requirements of Arkansas Code 20-24-101 et seq. and these regulations.

(C) The department shall mail a copy of the inspection report to the installing contractor and the owner.

(4) Initial operating permit.

(A) The owner or operator of an elevator, escalator, or dumbwaiter shall obtain an initial operating permit within seven (7) days after the required date for filing the inspection report required by Arkansas Code 20-24-113(a) and Rule (d)(3)(B) herein.

(B) No operating permit shall be issued until all required fees have been paid.

(C) If the inspection report required by Arkansas Code 20-24-113 and Rule (d)(3)(B) herein indicates that there is a failure to comply with the plans and specifications approved by the department, Arkansas Code 20-24-101 et seq., or these regulations, the operating permit shall be denied. The department shall notify the owner or operator in writing of the reasons for the denial of an operating permit.

(D) Any owner or operator who has been denied an operating permit by the department may appeal that denial to the Elevator Safety Board, provided a written request to appeal is received by the department within fifteen (15) days of the owner or operator's receipt of notice of the denial.

(5) Fees.

(A) Installation permits.

(I) The following fees shall be paid to the department for each passenger, freight, one-man elevator, or dumbwaiter installation permit:

Capacity in pounds	Hydraulic	Gearless	Gearless
0 - 500	\$ 50.00	\$ 50.00	\$ 50.00
501 - 1,500	65.00	70.00	75.00
1,501 - 3,000	75.00	80.00	85.00
3,001 - 5,000	85.00	90.00	100.00
5,001 - 10,000	95.00	100.00	110.00
10,001 - 20,000	100.00	110.00	120.00

Over 20,000	105.00	120.00	125.00
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(ii) In addition to the fees prescribed in Rule (d)(5)(A)(I) above, there shall be an additional fee of three dollars and fifty cents (\$3.50) for each hoistway opening.

(iii) For vertical wheelchair lifts, inclined wheelchair lifts and inclined stairway chairlifts, the fee for an installation permit shall be fifty dollars (\$50.00).

(iv) The installation permit fee for an escalator or workmen's hoist shall be one hundred dollars (\$100.00).

(B) A final inspection fee is included in the installation permit fee. If a scheduled final inspection is canceled without due notice to the department or if the elevator is not complete in the judgment of the inspector, an additional fee of fifty dollars (\$50.00) plus expenses shall be charged to the elevator contractor for an additional final inspection.

(C) The fee for the operating permit is established by Rule (h)(6).

(e) ALTERATIONS.

(1) Minimum Standards.

All alterations and major repairs to elevators, escalators, and dumbwaiters shall be made in conformity with the same standards as established by Rule (d)(1) except as provided in Rule (f)(1) for installations prior to August 27, 1963.

(2) Alteration Permit.

(A) Prior to the alteration or major repair of any elevator, escalator, or

dumbwaiter, an alteration permit shall be obtained from the department.

(B) Application for an alteration permit shall be made on a form furnished by the department and shall be submitted by the installing contractor or the owner. The application shall require the submission of detailed plans and specifications.

(C) Upon receipt of an application for alteration or major repair, the required plan and specifications, and the required fee for an alteration permit, the department shall review the application for compliance with the provisions of Arkansas Code 20-24-101 et seq. and these regulations. The department shall issue an alteration permit or shall notify the applicant in writing of the reasons the alteration permit is denied.

(D) Any applicant who has been denied a permit for alteration or major repair by the department may appeal that denial to the Elevator Safety Board, provided written request to appeal is received by the department within fifteen (15) days of the applicant's receipt of notice of the denial.

(3) Inspection and testing.

(A) Prior to the operation of any elevator, escalator, or dumbwaiter which has undergone an alteration or major repair and prior to the issuance of a new operating permit pursuant to Rule (e)(4), such elevator, escalator, or dumbwaiter shall be inspected and tested by a licensed elevator inspector in the employ of the department or its authorized representative.

(B) An inspection report shall be filed with the department by the inspector making the inspection within thirty (30) days after completion of the inspection. The

inspection report shall be on a form furnished and approved by the department. It shall indicate whether the elevator, escalator or dumbwaiter was altered or repaired in accordance with the plans and specifications approved by the department and meets the requirements of Arkansas Code 20-24-101 et seq. and these regulations.

(C) The department shall mail a copy of the inspection report to the installing contractor and the owner.

(4) Operating permit.

(A) The owner or operator of an elevator, escalator, or dumbwaiter which has undergone an alteration or major repair shall obtain a new operating permit within seven (7) days after the required date for filing the inspection required by Arkansas Code 20-24-113(a) and Rule (e)(3)(B) herein.

(B) No operating permit shall be issued until all the required fees have been paid.

(C) If the inspection report required by Arkansas Code 20-24-113 and Rule (e)(3)(B) herein indicates that there is a failure to comply with the plans and specifications approved by the department, Arkansas Code 20-24-101 et seq., or these regulations, the operating permit shall be denied. The department shall notify the owner or operator in writing of the reasons for the denial of an operating permit.

(D) Any owner or operator who has been denied an operating permit by the department may appeal that denial to the Elevator Safety Board, provided a written request to appeal is received by the department within fifteen (15) days of the owner or operator's receipt of the notice of the denial.

(5) Fees.

(A) The fee for an alteration permit shall be sixty dollars (\$60.00).

(B) A final inspection fee is included in the alteration permit fee. If a scheduled final inspection is canceled without due notice to the department or if the elevator is not complete in the judgment of the inspector, an additional fee of fifty dollars (\$50.00) plus expenses shall be charged to the elevator contractor for an additional final inspection.

(C) The fee for the operating permit is established by Rule (h)(6) herein.

(f) EXISTING ELEVATORS.

(1) Installed prior to August 27, 1963.

(A) Minimum standards.

(I) All elevators, escalators, and dumbwaiters installed and in existence prior to August 27, 1963, shall conform to the requirements of The American Society of Mechanical Engineers Safety Code for Existing Elevators, ASME A17.3 - 1992, except as provided in Rule (f)(1)(A)(ii) and (f)(1)(A)(iii), below. These standards are hereby adopted by reference and incorporated herein. Notwithstanding any provision of ASME A17.3-1992 to the contrary, the following provisions shall apply to all elevators, escalators, and dumbwaiters installed prior to August 27, 1963, as applicable:

1 Part II, Section 2.2.2, Access to Machine Rooms and Machinery Spaces;

2 Part II , Section 2.2.6, Protection from Weather;

3 Part III, Section 3.1, Buffers and Bumpers;

4 Part III, Section 3.4.2, Car Doors and Gates;

5 Part III, Section 3.5, Safeties;

6 Part III, Section 3.8.4, Brakes;

7 Part III, Section 3.9.1, Normal Terminal Stopping Devices;

8 Part III, Section 3.9.2, Final Terminal Stopping Devices; and

9 Part III, Section 3.12.8, Suspension Rope Fastenings.

(ii) The owner or operator of any elevator subject to Rule (f)(1)(A)(I) above shall have two (2) years from the effective date of these regulations to comply.

(iii) Any elevator, escalator, or dumbwaiter installed and in existence prior to August 27, 1963, which on the effective date of these regulations does not have a current operating permit and has been out of operation for over twelve (12) months, shall conform to the standards established by Rule (d)(1) before an operating permit can be issued or before such can operate.

(B) The owner or operator of any elevator, escalator, or dumbwaiter which must be altered in order to comply with Rule (f)(1)(A), shall obtain an alteration permit, an inspection, and an operating permit in the same manner as provided in Rule (e). The fees shall also be the same as provided in Rule (e). The owner or operator shall obtain a final inspection no later than the following:

(I) for passenger elevators and escalators, within three (3) months of the date established by Rule (f)(1)(A)(ii); and

(ii) for freight elevators and dumbwaiters, within six (6) months of the

date established by Rule (f)(1)(A)(ii).

(2) Installed August 27, 1963, through the effective date of these regulations.

(A) All elevators, escalators and dumbwaiters installed from August 27, 1963, through the effective date of these regulations shall be maintained by the owner or lessee in a condition that conforms to the standards established by the board which were in effect on the date of installation.

(B) Any elevator, escalator, or dumbwaiter installed after August 27, 1963, which is out of operation or without an operating permit for twelve (12) months or more shall have a safety test or leak down test and a pressure test performed in the presence of a licensed elevator inspector in the employ of the department or its authorized representative before a new operating permit can be issued or before such can operate.

(g) PERIODIC INSPECTIONS AND TESTING.

(1) Minimum Standards.

All inspections and testing required by Arkansas Code 20-24-101 et seq. or these regulations shall be made in accordance with the standards established by these regulations and the American Society of Mechanical Engineers Inspectors' Manual for Elevators and Escalators, ASME A17.2-1990, which is hereby adopted and incorporated herein.

(2) Periodic Inspections.

(A) (I) The owner or lessee of every power passenger elevator and

escalator shall have it inspected periodically every sixth (6th) calendar month following the month in which the initial inspection was made.

(ii) The owner or lessee of every power freight elevator and of every dumbwaiter and elevator driven by manual power shall have it inspected periodically every twelfth (12th) calendar month following the month in which the initial inspection was made.

(B) Any inspection required by Arkansas Code 20-24-112(a)(3) or Rule (g)(2)(A):

(I) may be made during the month following the calendar month during which such inspection is due; and

(ii) shall be made only by elevator inspectors licensed in accordance with the provisions of Arkansas Code 20-24-108 and 20-24-109 and Rule (j).

(C) In addition to required inspections, the department or its authorized representative may designate a licensed inspector in its employ to make such additional inspections as may be required to enforce the provisions of this chapter and these rules and regulations.

(3) Tests.

(A) All tests shall be made in accordance with the applicable ASME Code as adopted herein.

(B) Elevator inspectors shall not be required to make any tests.

(C) Tests required by these rules and regulations shall be made by:

(I) the owner, lessee, or the authorized agent of either, and
(ii) a person qualified to perform such service in the presence of a licensed elevator inspector in the employ of the department or its authorized representative.

(4) Inspection Reports.

(A) A report of every required inspection shall be filed with the department or its authorized representative by the inspector making the inspection, on a form approved by the department or its authorized representative, within thirty (30) days after the inspection or test has been completed.

(B) In the event the inspection report required by Rule (g)(4)(A) and Arkansas Code 20-24-113 is not filed within thirty (30) days after the final date when the elevator, dumbwaiter, or escalator should have been inspected, the department shall designate a licensed inspector in its employ to make the inspection and report required.

(5) FEES.

(A) For each inspection and report made at the direction of the department, the owner, lessee, or insurance company responsible for the report of inspection shall pay to the department a fee of fifty dollars (\$50.00) plus mileage allowance prescribed by state travel regulations in going to and returning from the point of inspection and all actual expense for meals and lodging incurred in making the inspection. The fee and expenses shall be paid directly to the department and shall be the only fee or charges for which such owner, lessee, or insurance company shall be liable for the inspection required by Arkansas Code 20-24-112(a).

(B) For witnessing the performance of all safety tests required by Arkansas Code 20-24-101 et seq. or these regulations, the owner, lessee, or insurance company responsible for the test shall pay to the department a fee of fifty dollars (\$50.00), plus mileage allowance prescribed by state travel regulations in going to and returning from the point of the testing and all actual expenses for meals and lodging incurred in witnessing the test.

(h) OPERATING PERMIT.

(1) Permit Required.

(A) No elevator, escalator or dumbwaiter shall operate unless the owner or lessee has obtained an operating permit from the department.

(B) An operating permit shall be issued for a period of one (1) year and the expiration date shall appear on its face.

(2) Display. The permit shall be posted conspicuously in the car of the elevator and on or near the dumbwaiter or escalator.

(3) Permit Information.

(A) The operating permit shall reflect on its face the following:

(I) the state number, or AS number assigned by the department to that installation;

(ii) the type of equipment for which it is issued;

(iii) in the case of elevators, whether passenger or freight;

(iv) the owner or lessee to whom the permit is issued;

- (v) the location of the elevator, escalator, or dumbwaiter;
- (vi) the contract load and rated speed; and
- (vii) the expiration date.

(B) In addition to other requirements, the operating permit for vertical wheelchair lifts, inclined wheelchair lifts, and inclined stairway chairlifts shall state the following:

LIMITED USE ONLY -
NOT FOR GENERAL PUBLIC USE

(4) Denial of an Operating Permit.

(A) No operating permit shall be issued if the fees required by Arkansas Code 20-24-117 and Rule (h)(6) herein have not been paid.

(B) The department may deny an operating permit for cause, which shall include the failure to comply with the provisions of Arkansas Code 20-24-101 et seq.; these rules and regulations; or the detailed plans and specifications approved by the department at the time of installation. In determining whether there exists cause to deny an operating permit, the department may rely on an inspection report filed by a licensed elevator inspector.

(C) The department shall notify the owner or lessee in writing of the reasons the operating permit is denied; the changes necessary for compliance; and their right to appeal to the Elevator Safety Board.

(D) Any owner or lessee who has been denied an operating permit by the department may appeal that denial to the Elevator Safety Board, provided a written request to appeal is received by the department within fifteen (15) days of the owner or lessee's receipt of notice of the denial.

(E) The Elevator Safety Board may require, as a condition of maintaining his/her license, the presence of any elevator inspector upon whose report the denial of an operating permit was based at any hearing on such denial.

(5) Revocation of an operating permit.

(A) The department may immediately revoke an operating permit if it determines there is a failure to comply with the provisions of Arkansas Code 20-24-101 et seq.; these rules and regulations; or the detailed plans and specifications approved by the department at the time of installation and such elevator, escalator or dumbwaiter is in an unsafe condition, so that its continued operation may be dangerous to the public safety. In making such a determination the department may rely on an inspection report filed by a licensed elevator inspector.

(B) In order to immediately revoke an operating permit, the department shall place a red tag or warning notice on or in the elevator, escalator, or dumbwaiter notifying the owner or lessee and the public that its use has been ordered to be discontinued. Such warning shall read as follows:

WARNING ORDER

The Arkansas Department of Labor has determined that
this elevator is in an unsafe condition, so that its continued

operation would be dangerous. The Department of Labor has ordered that the use of this elevator be discontinued until it has been made safe in conformity with Arkansas Law and the rules and regulations of the Arkansas Elevator Safety Board.

Continued operation of this elevator or removal of this notice may result in criminal and/or civil penalties.

This action is taken pursuant to the authority granted by Ark. Code Ann. §§ 11-2-117(C) and 20-24-116 (1987).

The specific conditions the Department of Labor has found which render this elevator unsafe are as follows:

This tag shall only be removed by authority of the Chief Elevator Inspector.

Director of Labor
State of Arkansas

By:

Dated:

Arkansas Department of Labor
10421 West Markham Street
Little Rock, Arkansas 72205

(C) The department's representative shall provide immediate written notice to the

owner or lessee or agent of either present at the location of the elevator, escalator, or dumbwaiter, which notice shall include the following:

- (I) a copy of the red tag or warning;
- (ii) the reason for revocation of the operating

permit;

- (iv) the changes necessary for compliance; and

- (v) the date, time, and place of a hearing on the revocation before a

hearing officer designated by the director to hear such matters.

(D) In the event the owner or lessee or agent of either is not present at the location of the elevator, escalator, or a dumbwaiter, the department shall mail the notice required by Rule (h)(5)(C) to the owner or lessee within twenty-four (24) hours.

(E) The department shall hold a hearing on the immediate revocation of an operating permit within five (5) days of placing the red tag or warning on the elevator, escalator, or dumbwaiter. The department may extend the time for holding such a hearing upon the request, in advance, of the owner or lessee. The decision of the hearing officer shall constitute the final action of the department.

(F) Any owner or lessee may appeal the department's final action on the immediate revocation of an operating permit to the Elevator Safety Board, provided a written request to appeal is received by the department within fifteen (15) days of the owner or lessee's receipt of notice of the department's final action.

(G) (I) The Department may request the Elevator Safety Board to revoke an operating permit if the department determines there is a failure to comply with the

provisions of Arkansas Code 20-24-101 et seq.; these rules and regulations; or the detailed plans and specifications approved by the department at the time of installation. In determining whether there exists cause to seek revocation of an operating permit, the department may rely on an inspection report filed by a licensed elevator inspector.

(ii) The department shall notify the owner or lessee in writing that it has requested the revocation of the owner or lessee's operating permit; the reasons the department is seeking the revocation; the changes the department contends are necessary for compliance; and the date, time and place of a hearing before the Elevator Safety Board.

(iii) If, after hearing, the board determines that there has been a failure to comply as alleged by the department, it shall revoke the operating permit of the owner or lessee.

(6) Fees.

(A) The annual fee to be charged for an operating permit is established by Arkansas Code 20-24-116, which provides:

300 - 500 Ibs. Special Personnel Elevators plus

(I) Dumbwaiters. \$30.00 annual

(ii) Elevators

2 - 4 landings-openings. \$36.00 annual

5 - 8 landings-openings. \$42.00 annual

9 - up landings-openings \$50.00 annual

(iii) Escalators \$75.00 annual

(B) A twenty percent (20%) penalty may be assessed when the fees is past due by thirty (30) days.

(C) Vertical wheelchair lifts, inclined wheelchair lifts, and inclined stairway chairlifts are defined by Arkansas Code 20-24-101(8)(D) as an elevator and the fee for operating permit shall be the same as outlined in Rule (h)(6)(A) above.

(I) VARIANCES.

(1) Arkansas Code 20-24-106(d) authorizes the board in any particular case to grant exceptions and variances which shall only be granted where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby.

(2) (A) An application for a variance shall be submitted by the owner or lessee to the department on a form supplied by and approved by the department. The application shall be accompanied by the following:

(I) an application for installation and detailed plans and specifications as required by Rule (d)(2)(B) herein; or (ii) an application for alteration and detailed plans and specifications as required by Rule (e)(2)(B) herein.

(B) The department shall review the application for variance and its attachments. The department shall conduct an on-site inspection of any elevator, escalator, or dumbwaiter in existence. The department shall prepare a staff report and recommendation which shall include a copy of any inspection report and copies or citations to any applicable ASME Code standards.

(3) The department shall notify the applicant for the variance of the date, time, and place of the hearing before the board on the application for a variance. Such notice shall include a copy of the department's staff report and recommendation.

(4) After hearing, the board shall grant or deny the variance. The board may grant a variance conditioned upon the provision of alternate means of providing for public safety.

(5) If the board grants a variance, a variance certificate shall be issued by the department. Such a certificate shall reflect on its face the following:

- (A) the state number, or AS number, assigned by the department;
- (B) the type of equipment for which it is issued;
- (C) the owner or lessee to whom the variance is granted;
- (D) the location of the elevator, escalator, or dumbwaiter; and
- (E) any conditions imposed by the Board.

(6) The owner or lessee shall maintain the variance certificate at the location of the elevator, escalator or dumbwaiter and make it accessible to any licensed elevator inspector.

(j) ELEVATOR INSPECTORS.

(1) License required. The inspections of elevators, escalators, and dumbwaiters required by Arkansas Code 20-24-101 et seq. and these regulations shall be made only by an elevator inspector licensed by the board.

(2) Qualifications. To be eligible for a license to inspect elevators, the applicant or licensee shall:

(A) have at least four (4) years experience in designing, installing, maintaining or inspecting elevators, escalators, or dumbwaiters;

(B) have successfully passed the written examination for elevator inspectors administered by the National Association of Elevator Safety Authorities (hereinafter, NAESA) and evidenced by NAESA's certification of the applicant or licensee as a Qualified Elevator Inspector. This is commonly referred to as being QEI certified; and

(C) have no financial interest in any business or operation which manufactures, installs, repairs, modifies or services elevators, escalators, or dumbwaiter. This qualification does not prohibit employees of insurance companies insuring elevators, escalators, and dumbwaiters from obtaining a license as an elevator inspector.

(3) Grandfather clause. All elevator inspectors licensed by the board as of August 1, 1993, shall have one (1) year from the effective date of these regulations to meet the qualifications established by Rule (j)(2)(A) and (j)(2)(B). At the end of one (1) year from the effective date of these regulations, the department shall request and obtain verification of the qualifications of all elevator inspectors licensed by the board as of

August 1, 1993.

(4) Application.

(A) A written application for a license shall be on a form supplied by the department and shall be accompanied by a statement of the applicant's experience and proof that the applicant is QEI certified.

(B) The board shall consider an application for license at its next regular meeting, which shall in no event be more than three (3) months from the date the department received the application.

(5) Issuance and Fee.

(A) The department shall issue a license immediately upon the board's approval of an applicant and the payment of a twenty-five dollar (\$25.00) license fee.

(B) Licenses shall expire one (1) year from the date of issuance or renewal. Licenses shall be renewed annually. The annual license fee shall be twenty-five dollars (\$25.00).

(6) Prohibited Activities.

(A) No elevator inspector shall inspect an elevator, escalator, or dumbwaiter if the inspector, or any member of his immediate family, has a financial interest in the building in which the elevator, escalator, or dumbwaiter is located, or in any business which occupies the building in which the elevator, escalator, or dumbwaiter is located.

(B) No elevator inspector or any member of his immediate family shall have or maintain a financial interest in any business which manufactures, installs, alters, or

services elevators, escalators, or dumbwaiters.

(C) No elevator inspector shall recommend or refer one of his clients or customers to a specific business, firm, or corporation which manufactures, installs, repairs, alters, or services elevators, escalators, or dumbwaiters.

(7) Financial Disclosure. On or before the last day of January of each year, all licensed elevator inspectors shall file with the department a financial disclosure statement on forms provided by the department and approved by the board. Such forms shall include, but not be limited to, the following:

(A) the name and address of any corporation, firm, or enterprise in which the person has a direct financial interest of a value in excess of **one thousand dollars (\$1,000.00)**. Policies of insurance issued to himself or his spouse are not to be considered a financial interest;

(B) a list of every office or directorship held by himself or his spouse, in any corporation, firm, or enterprise subject to jurisdiction of the board;

(C) a list showing the name and address of any person, corporation, firm, or enterprise from which the person received compensation in excess of one thousand five hundred dollars (\$1,500) during the preceding year; and

(D) a list showing the name and address of any person, corporation, firm, or enterprise from which the persons received compensation in excess of twelve thousand five hundred dollars (\$12,500) during the preceding year.

(8) Revocation and suspension of license.

(A) The board may revoke or suspend any license for cause. Such cause shall include, but not limited to the following;

(1) failure to comply with the provisions of Arkansas Code 20-24-101 et seq. or these regulations; and

(2) falsifying or making a material misstatement or omission on any application for license, financial disclosure statement, or inspection report.

(B) The department shall give notice to the licensee by mail at least fifteen (15) days prior to any hearing before the board regarding a license suspension or revocation. Such notice shall state the date, time and place of hearing, and shall contain a statement of alleged facts or conduct warranting the proposed suspension or revocation.

(C) If the board finds that the public safety imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending the immediate initiation of license revocation procedures. In such an event, the licensee shall be given written notice of the suspension; the date, time, and place of an emergency revocation hearing to be held within five (5) days of receipt of the notice; and a statement of the alleged facts or conduct warranting the summary suspension and proposed revocation.

(k) ELEVATOR COMPANIES AND INSTALLERS.

(1) All persons, firms, or corporations engaged in the construction, installation, alteration, repair, relocation, replacement, maintenance or servicing of elevators,

escalators, or dumbwaiters, vertical wheelchair lifts, inclined wheelchair lifts or inclined stairway chairlifts, within the State of Arkansas shall be approved and registered by the department.

(2) Application for registration shall be made on a form supplied by the department on or before January 31, 1994. Application for renewal of registration shall be made thereafter on or before the last day of January every other year.

(3) If the department approves an applicant for registration, it shall issue a certificate of registration. The certificate of registration shall have an expiration date on its face.

(4) The department may deny approval of an applicant for cause. The department shall mail written notice to the applicant of the denial, the reason for the denial, and a statement that the applicant may appeal to the Elevator Safety Board, provided their written request is made within fifteen (15) days.

(5) An applicant for registration who has been denied approval by the department may appeal that denial to the Elevator Safety Board, provided a written request to appeal is received by the department within fifteen (15) days of the applicants receipt of notice of the denial.

(I) ACCESSIBILITY TO THE DISABLED.

(1) New Installations. In addition to the standards imposed by Rule (d)(1) herein, the board hereby adopts and incorporates herein the American National Standards Institute Standard for Buildings and Facilities - Providing Accessibility and Usability

for Physically Handicapped People, ANSI A117.1, Sections 4.10.1 through 4.14 - 1986.

(2) Braille tags. In all publicly owned buildings containing passenger elevators, braille tags shall be affixed on or immediately adjacent to all elevator pushbuttons, levers, or switches in order that blind persons may operate the elevators properly without assistance from sighted persons. "Publicly owned buildings" includes those buildings which are owned or operated by a municipal, county, or state government. This requirement does not apply to elevator pushbuttons located outside the elevator car and used to call the elevator for travel "up" or "down".

(m) APPEALS. As provided in Arkansas Code 20-24-119:

(1) Any person aggrieved by an order or act of the department or its authorized representative under this chapter may, within fifteen (15) days after notice thereof, appeal from the order or act to the board which shall, within thirty (30) days thereafter, hold a hearing of which at least fifteen (15) days written notice shall be given to all interested parties.

(2) The Board shall, within thirty (30) days after the hearing, issue an appropriate order modifying, approving, or disapproving the order or act.

(3) A copy of the order by the board shall be served upon all interested parties.

(4) Within thirty (30) days after any order or act of the board, any person aggrieved thereby may file a petition in the chancery court of the county in which the aggrieved person resides, for a review thereof.

(5) The court shall summarily hear the petition and may make appropriate order

or decree.

(n) REPEALER AND EFFECTIVE DATE.

(1) All previous rules and regulations of the Elevator Safety Board are hereby repealed.

(2) The effective date of these rules and regulations is the 1st day of February, 1994.